HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No.13968 of 2007

Dated 2nd July 2007

Between:

Nainala Veeraswamy,
Alamuru Mandal,
East Godavri District and others.

.....Petitioners

and

The Regional Joint Commissioner (Endowments),
Kakinada, East Godavari District and others.

.....Respondents.

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No.13968 of 2007

ORDER:

Heard the learned counsel for the petitioners and Sri V.T.M.Prasad, the learned counsel appearing for the 3rd respondent temple as well as the learned Government Pleader for Endowments appearing for the respondents 1 and 2.

Admittedly, the 2nd respondent-Assistant Commissioner of Endowments passed an order on 18-6-2007 holding that the petitioner will not come under the definition of landless poor as defined under Section 82 (2) of the Endowments Act 30 of 1987. Against the said order a remedy of appeal is available before the 1st respondent-Regional Joint Commissioner and the petitioner has already preferred such an appeal on 22-6-2007. However, in the meanwhile, the 3rd respondent temple had issued the impugned auction notice dated

22-6-2007 proposing to auction the leasehold rights of the land in possession of the petitioner i.e., R.S.No.42/1 situated at Choppella village, Alamuru Masndal, East Godavari District. Hence, this writ petition.

Since admittedly, the statutory appeal is pending before the 1st respondent, I deem it appropriate to direct that status quo obtaining as on today as to the nature and possession of the land in question shall be maintained till the appeal is decided on merits. Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of with a direction to the 1st respondent to dispose of the appeal pending against the order dated 18-6-2007 and pass appropriate orders as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. In the meanwhile, it is open to the respondents to proceed with the auction under the impugned notice. However, the same shall not be confirmed.

(G.ROHINI, J)

Dated: 2nd July 2007
mrb